

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
LITTLE ROCK DIVISION**

**LEE MADDEN  
ADC # 136534**

**PLAINTIFF**

**V. 4:08CV01328 BSM/HDY**

**LARRY NORRIS, Director, Arkansas Department of Correction; MIKE BEEBE, Arkansas Attorney General; ARKANSAS BOARD OF PAROLE AND COMMUNITY REHABILITATION; UNITED STATES OF AMERICA; and OFFICER MONGER, East Arkansas Regional Unit, Arkansas Department of Correction DEFENDANTS**

**ORDER**

Plaintiffs initiated this § 1983 action by filing a complaint alleging various constitutional claims. In an order dated August 19, 2008 (Doc. No. 5), the court ordered plaintiff to submit either the statutory filing fee or a completed *in forma pauperis* application. Plaintiff was given thirty days in which to file these pleadings and he was cautioned of the requirements of Local Rule 5.5(c)(2).

Local Rule 5.5(c)(2) provides that if any communication from the court to a *pro se* litigant is not responded to within thirty days, the case may be dismissed without prejudice. More than thirty days have passed since the entry date of that order, and plaintiff has not responded to the court's order.

Under these circumstances, the court concludes that plaintiff's claims should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2). *See Miller v.*

*Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (“District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and we review the exercise of this power for abuse of discretion.”)

IT IS THEREFORE ORDERED that plaintiff’s claims be and they are hereby DISMISSED WITHOUT PREJUDICE.

DATED this 29th day of September, 2008.

Brian S. Miller  
UNITED STATES DISTRICT JUDGE